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BRIAN BURKE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
BRIAN BURKE,
Defendants.

CASE NO. 17-CR-0533-EMC

**NOTICE OF MISTAKE IN PROPOSED
VERDICT FORM AS TO COUNT ELEVEN**

The verdict form for Count 11 was briefed and argued last week, and the parties agreed that it should include language the charged intimidation or threat had to be based on threat to shoot Ms. Conte with a firearm. Defense counsel noticed this morning that the amended verdict form allows a conviction if the jury find he “intimidated or threatened to shoot” Michelle Conte. This is not what was charged. It should state:

Has the government proven beyond a reasonable doubt that on or about February 8, 2017, defendant BRIAN BURKE intimidated, threaten or corruptly persuade Michelle Conte by threatening to shoot her with a firearm with the intent to influence, delay or prevent her testimony in an official proceeding, namely, the adjudication of RAYMOND FOAKES’S alleged violation of the conditions of his supervised release in Case No. CR 11-0624 WHA (N.D. Cal.).”

DATED: May 12, 2023

Respectfully submitted,

By: /s/
ERIK BABCOCK

DEF. BURKE’S OBJECTION TO GOV VERDICT FORM

17-CR-0533-EMC

Attorney for Defendant
BRIAN BURKE